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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,290	11/29/2000	John C. Goodwin III	9120.00	6321
26884	7590	05/25/2004	EXAMINER	
PAUL W. MARTIN LAW DEPARTMENT, WHQ-4 1700 S. PATTERSON BLVD. DAYTON, OH 45479-0001			ABDULSELAM, ABBASI	
			ART UNIT	PAPER NUMBER
			2674	
DATE MAILED: 05/25/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

	Application No.	Applicant(s)
	09/727,290	GOODWIN III ET AL..
	Examiner Abbas I Abdulselam	Art Unit 2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on 29 March 2004.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 1-8 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-8 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
 a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION*****Response to Arguments***

1. Applicant's arguments filed On 03/29/04 have been fully considered but they are not persuasive.

Applicant argues that the cited references Waters et al. (USPN 6256046), Christian et al. (USPN 6163822) and Favalora et al. (USPN 6512498) do not teach "attracting attention of people in order to persuade them to use the kiosk by displaying more distinctive information after sensing the people pass within a predetermined distance of the kiosk". However, as shown in the art rejection below, Favalora teaches a display (10) equipped with a sensor (48) such that the display (10) can be activated upon the approach of a viewer to attract the viewer's attention then deactivated upon the viewer's departure. See col. 5, lines 40-53. In addition, Favalora teaches that volumetric display (10) as including a motion sensor (48) to cause the display (10) to be responsive to the presence or motion of a viewer, and then provide information to the illumination controller (26), which in turn generates eye catching visual effects. See col. 3, lines 45-48, col. 4, lines 58-67 and Fig. 2.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waters et al. (USPN 6256046) in view Christian et al. (USPN 6163822) and Favalora et al. (USPN 6512498).

Regarding claims 1-6, Waters teaches a Kiosk (50) including a memory/processor (120), a display screen (105) and the activity detection module (125), which detects the presence and movement of users in interaction spaces (75, 80). Waters teaches the use of cameras (60, 65, 70) allowing the kiosk (50) to detect the presence of the users fifty feet from the kiosk environment. Waters teaches the activity detection module (125) through the activity detection program, which determines whether there is a user, or not in the interaction space (75). See Fig 2, Fig 3, column 3, lines lines 3-52 and column 4, lines 19-41.

In addition, Waters teaches the behavior module (25) with respect to proximity visual detection (col. 5, lines 55), and discloses that kiosk (50) includes a visual sensing module (15), which uses a number of computer vision techniques as well as a display screen (115) for visual output. See Fig. 3 and col. 3, lines 17-24.

However, Waters does not teach displaying first information within the elapsed time, which is an interval from sensing of a person until the actual use of a kiosk by a user. Christian on the other hand a processing device (36) processing a synchronous command with some parameter such as numerical number, causing the device to suspend a processing of any subsequent commands until a time period corresponding to the numerical value has elapsed. Moreover, Christian teaches a video camera (16), which is, positioned such that the presence or absence of a human (22) or other object can be detected within the vicinity of the kiosk. See col. 2, lines 55-62 and col.3, lines 55-67.

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Therefore, it would have been obvious to one having a skill in the art at the time the invention was made to modify waters' Kiosk system to include Christian's use of processing device (36) including a numerical parameter for elapsed time along with detection system of a human (22) within the vicinity of the kiosk (10). One would have been motivated in view of the suggestion in Christian that the detection system as configured in Fig. 1 and processing device (36) as configured in Fig. 2 equivalently provide the desired displaying of information until the actual use of a kiosk. The use of processing device and detection technique helps function a kiosk system more effectively as taught by Christian.

Furthermore, Christian teaches a processing device (36), which can process data received from the touch screen monitor (14). Christian also discloses that the processing of input data as well as generation of the output data are implemented by software programs in the processing device. See col. 4, lines 42-48. It would have been obvious to utilize Christian's software for the purpose of displaying some information in less distinctive way than the others.

Waters also does not disclose "displaying to attract attention of the person to the kiosk and to attempt to persuade the person to approach and use the kiosk." Favalora on the other hand teaches that a display (10) equipped with a sensor (48) such that the display (10) can be activated upon the approach of a viewer to attract the viewer's attention then deactivated upon the viewer's departure. See col. 5, lines 40-53.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Waters' kiosk display system to adapt Favalora's techniques of activation and deactivation of the display (10). One would have been motivated in view of the suggestion in Favalora that the activation of sensor (48) equipped display (10) equivalently

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provides the desired display intended to attract the attention of a person nearby a kiosk. The use of activating display (10) helps function-advertising kiosks or other public displays as taught by Favalora.

Regarding claims 2-6 in addition to what has been discussed above, Christian teaches a processing device (36) including the numerical parameter for elapsed time. It would have been obvious to set the numerical parameter until the time that the persons in no longer within a predetermined area.

Regarding claim 8, in addition to what has been discussed above, Christian teaches the use of pair of speakers (20), positioned such that an audio signal transmitted from a pair of speakers and can be heard by a human (22) within the vicinity of the kiosk. See col. 4, lines 1-7.

Regarding claim 7, Waters teaches the use of cameras (60, 70) in the kiosk system. See Fig. 2.

### Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communication from the examiner should be directed to **Abbas Abdulselam** whose telephone number is **(703) 305-8591**. The examiner can normally be reached on Monday through Friday (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard Hjerpe**, can be reached at **(703) 305-4709**.

**Any response to this action should be mailed to:**

Commissioner of patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314**

Hand delivered responses should be brought to Crystal Park II, Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology center 2600 customer Service office whose telephone number is **(703) 306-0377**.

Abbas Abdulselam

Examiner

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May 21, 2004

  
**XIAO WU**  
**PRIMARY EXAMINER**